

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph F. Fitzpatrick et al. : Art Unit: 3301
Serial No.: 08/703,794 : Examiner: P. Wingood
Filed: August 27, 1996 : Office of Publications
FOR: BODY FUNCTION : Attn: Issue Branch
MEASURING APPARATUS : Batch P59

RESPONSE TO EXAMINER'S STATEMENT
OF REASONS FOR ALLOWANCE

Assistant Commissioner for Patents
Washington, D.C. 20231

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SIR:

Applicants have the following comments in response to the Examiner's Statement of Reasons for Allowance.

Applicants' invention is not limited to skin temperature measurement and the use of thermistors as sensors. Certain of the claims are not limited to skin temperature measurement and the use of thermistors as sensors. Rather, as stated at page 1, lines 6 through 8 of Applicants' specification, Applicants' invention has broader application. Certain of the claims are directed to "body function measuring apparatus" and, when Applicants' invention is used to measure other body functions, the particular type of sensors would be selected accordingly.

Second, the difference between the rates of change of the body function signals exceeding a threshold represents a difference in proximities of the sensors to the skin, not a difference in proximity to the skin of both sensors as the Examiner has stated.

Respectfully Submitted,


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The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:


September 12, 1997
Andrew L. Ney